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BY HAND

November 15, 2004

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street
Washington, D.C. 20423-0001

212547

RE: Raritan Central Railway, L.L.C.
Operation Exemption
Heller Industrial Parks, Inc.
STB Finance Docket No. 34514

ENTERED
Office of Proceedings

NOV 15 2004

Part of
Public Record

Dear Mr. Williams:

On behalf of Raritan Central Railway, L.L.C., I am filing an original and ten copies of a Request to Dismiss Exemption With Prejudice.

Please date stamp and return one copy of this filing.

Sincerely yours,



John D. Heffner

Enclosures

cc: Mr. Eyal Shapira
All parties

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB FINANCE DOCKET NO. 34514

RARITAN CENTRAL RAILWAY, L.L.C
- OPERATION EXEMPTION -
HELLER INDUSTRIAL PARKS, INC.

REQUEST TO DISMISS EXEMPTION WITH PREJUDICE

Respectfully submitted,

John D. Heffner
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Counsel for Raritan Central
Railway, L.L.C.

Dated: November 15, 2004

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB FINANCE DOCKET NO. 34514

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- OPERATION EXEMPTION -
HELLER INDUSTRIAL PARKS, INC.

REQUEST TO DISMISS EXEMPTION WITH PREJUDICE

INTRODUCTION

Raritan Central Railway, L.L.C. ("Raritan") requests that the Board immediately dismiss with prejudice the verified notice of exemption it filed in the above-captioned proceeding on June 15, 2004. Raritan plans to continue operating the subject line as unregulated spur trackage. Because no carrier will be prejudiced by this filing, Raritan asks the Board to make this request effective upon filing.

DISCUSSION

On June 15, 2004, Raritan, an existing class III short line railroad, originally filed a verified notice of exemption under 49 U.S.C. 10902 and 49 CFR 1150.41 seeking to operate a one mile long segment of track owned by a private industrial park, Heller Industrial Parks, Inc. Consolidated Rail Corporation and its owners CSX Transportation, Inc., and Norfolk Southern Railway Company (hereafter "the Conrail Parties") challenged that exemption by filing a Petition for Stay and then a Petition to Revoke Exemption. The Board rejected the stay request filed by the Conrail Parties and then issued a decision on July 12, 2004, granting Raritan the exemption it requested. After conducting discovery, the Conrail Parties


supplemented their Petition for Revocation to which Raritan replied. On October 5, 2004, the Board issued a decision initiating an investigation on the merits to be completed by July 5, 2005.

The Conrail Parties had represented in their stay request that they would not oppose Raritan's plans to continue to operate the Heller Parks trackage as what they call a "contract switcher" operating spur, industrial or side track. See, Conrail Parties' Petition to Revoke Exemption dated July 7, 2004, at pages 4-5. Upon further reflection, Raritan is agreeable to remaining as the operator of the subject trackage as a contract carrier outside the Board's entry and exit regulation and revoking the exemption it had previously obtained.

CONCLUSION

Accordingly, Raritan requests that the Board dismiss with prejudice the notice of exemption filed in this proceeding, STB Finance Docket No. 34514 on June 15, 2004.

Respectfully submitted,


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Counsel for Raritan Central
Railway, L.L.C.

Dated: November 15, 2004

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of November, 2004,
the Request To Dismiss Exemption With Prejudice was sent by
first-class United States mail, to the following:

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